



Virgin Islands Waste Management Authority
Waste Water Rules and Regulations

**THE VIRGIN ISLANDS WASTE MANAGEMENT
AUTHORITY**

WASTE WATER RULES AND REGULATIONS

TITLE 29 V.I.R.R.

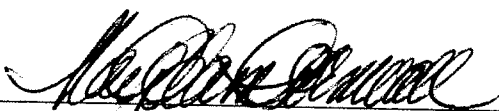
APPROVED

28 Day of October, 2009

THE VIRGIN ISLANDS WASTE MANAGEMENT AUTHORITY

By 

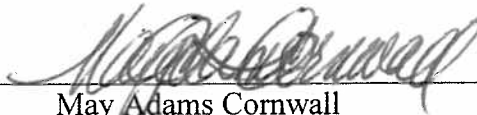
DODSON JAMES
CHAIRMAN



MAY ADAMS CORNWALL
EXECUTIVE DIRECTOR

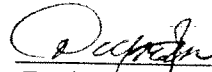
CERTIFICATION

It is hereby certified that pursuant to Act No. 6638 (Title 29 Chapter 8 [29 VIC §496m]) notice of the availability of the appended Waste water Rules and Regulations of the Virgin Islands Waste Management Authority are hereby published and were earlier published in newspapers and the electronic media in general circulation in the Virgin Islands for a period of thirty (30) days. Comments were received and considered. Copies of the appended Rules and Regulations have been filed with the Office of the Governor of the Virgin Islands, the Office of the Lieutenant Governor, and the Office of the President of the Virgin Islands Legislature for acknowledgement this 28 day of October, 2009.



May Adams Cornwall
Executive Director

The Waste Water Rules and Regulations of the Virgin Islands Waste Management Authority are hereby approved:




Dodson James
Chairman

10/28/09

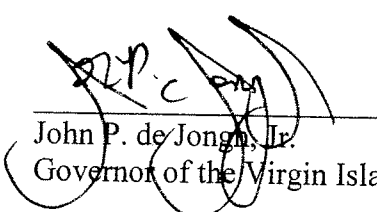
Date

ATTEST:


Llewellyn Reed
Secretary

3/14/11
Date

Pursuant to the powers vested in me by *Section 11 of the Revised Organic Act of 1954*, the Waste Water Rules and Regulations of the Virgin Islands Waste Management Authority are hereby acknowledged:


John P. de Jongh, Jr.
Governor of the Virgin Islands

5/8/12
Date

The document attached hereto is hereby certified to be a true and correct copy of the Wastewater Rules and Regulations adopted by the Virgin Islands Waste Management Authority pursuant to authority granted to the Authority in Act No. 6638 (29 V.I.C. §§ 496 [m]) et. seq.

The Virgin Islands Waste Management Authority



May Adams Cornwall
Executive Director

The Rules and Regulations below interpret or apply to Title 29 V.I.C. Chapter 8.

**THE VIRGIN ISLANDS
WASTE MANAGEMENT AUTHORITY**

WASTEWATER RULES AND REGULATIONS

Effective Date: 2009

CHAPTER 1: GENERAL PURPOSES, OBJECTIVES AND DEFINITIONS

29 VIRR § 496c1.1: PURPOSE

The Rules and Regulations adopted herein published are pursuant to the authority vested in the Virgin Islands Waste Management Authority as set forth at Title 29, Chapter 8, Virgin Islands Code, Section 496 (c) and Title 19, Chapters 53 through 56, Virgin Islands Code, for the administration of its affairs and operations and carrying into effect the powers and purposes of The Act creating the Authority.

It is the purpose of these rules and regulations to ensure that the public health, safety, welfare and the environment are protected by the appropriate and environmentally sound management of landfills, wastewater, solid waste, and hazardous waste collection, disposal and treatment, and to achieve and maintain compliance with the mandatory requirements of Territorial and Federal laws, including the Clean Water Act (33 United States Code § 1251, et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) and regulations as apply to wastewater, solid waste, hazardous waste, and landfills.

To achieve this purpose the Authority, its facilities, customers, agents, licensees, permittees, employees and contractors are required to submit and adhere to the rules and regulations set forth herein, as may be applicable, and as may be amended from time to time. Further the Authority shall establish such reasonable rates, charges, surcharges, and fees and issue such citations and collect such fines or other appropriate penalties as required by the Act, other applicable law, and the rules and regulations pursuant thereto, in support of the efficient operation and management of the Authority and enforcement of the applicable laws and these rules and regulations

29 VIRR § 496c1.2: DEFINITIONS

- A. "Act" shall mean the Virgin Islands Waste Management Authority Act as set forth at Title 29, Chapter 8, Virgin Islands Code, Section 494, et seq., as may be amended from time to time.
- B. "Authority" shall mean the Virgin Islands Waste Management Authority established by Section 496 of the Act.
- C. "Authority Sewage System" shall mean the sewage works under the control of the Authority. This includes the sewers, pump stations, treatment plants, and all other works under the control of the Authority used in collection, storage, transport, treatment, and discharge of waters and wastes and in the operation of the residuals program.

- D. "Batch Discharge" shall mean a discrete or episodic, short-term discharge to the sewer, often characterized by a discharge of all or most of the contents of a vessel. A batch discharge is not a part of a series of episodic discharges taking place with little time between each episode
- E. "Board" shall mean the Board of Directors of the Authority.
- F. "Bypass" shall mean an intentional or negligent diversion of a waste stream, by direct or indirect means, to the Authority sewage system, from any portion of a Pretreatment facility prior to completing pretreatment, or from any industrial process or other source of Wastewater prior to pretreatment.
- G. "Combined waste stream formula" shall mean the formula defined in the US Environmental Protection Agency's "General Pretreatment Regulations for Existing and New Sources of Pollution" at 40 CFR 403.6(e).
- H. "Commercial User" shall mean one who or which generates wastewater from any store, office, restaurant, hotel, motel, warehouse or non-manufacturing activity.
- I. "Composite Sample" shall mean a combination of a series of aliquots taken on either a time or flow proportional basis over a period of time.
- J. "Direct Connection Permit" shall mean the permit required or issued by the Authority for connection of a building sewer directly into the Authority's sewer line.
- K. "Industrial User" shall mean one who or which generates wastewater from manufacturing processes, including but not limited to, electric power generation, fertilizer/agricultural chemicals, food and related products/byproducts, inorganic chemicals, iron and steel manufacturing, leather and leather products, metals manufacturing/foundries, organic chemicals, plastics and resins; pulp and paper industry; stone, glass, clay and concrete products, and textile manufacturing.
- L. "Industrial Waste" shall mean any solid, liquid, or gaseous wastes or wastewater, resulting from an industrial or manufacturing process, or from a commercial, governmental, or institutional activity, or from the development, recovery, or processing of natural resources.
- M. "Infiltration" shall mean the water entering a sewage system from the ground or a water body, including through such means as, defective building drains and sewers, pipes, pipe joints, connections, or manhole walls.
- N. "Inflow" shall mean the discharge into a sewage system, including service connections, from such sources as, but not limited to, roof leaders, cellars, yards, and area drains, foundation drains, sump pumps, cooling water discharges, manhole covers, cross connections from Storm Sewers and combined sewers, catch basins, storm water, surface runoff, or street wash water.
- O. "Interference" shall mean a discharge which, alone or in conjunction with discharges from other sources, both:
- (1) inhibits or disrupts the Authority sewage system, or any Municipal sewage system that is a tributary to the Authority sewage system, their treatment processes or operations, or the Authority's sludge processes, use, or disposal; and
 - (2) causes a violation of any requirement of the Authority's TPDES permit (including an increase in the magnitude or duration of a violation) or prevents the Authority from using or disposing of its sludge in compliance with applicable federal, state, or local laws or any permit.

- P. "Lateral Sewer" shall mean the privately owned and maintained sanitary sewer line from the residence or the building to the public sewer.
- Q.. "National Pretreatment Standard or Pretreatment Standard" shall mean the general prohibitions and specific prohibitions of 40 CFR 403.5(a) and (b), and the National Categorical Pretreatment Standards.
- R. "National Environmental Laboratory Accreditation Program" or "NELAP" shall mean the accreditation that may be applied to environmental laboratories by the Government of the Virgin Islands through the Department of Planning and Natural Resources.
- S. "Non-point Pollution" shall mean man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water, originating from any source (land, air or water) other than a point source.
- T. "Non-point Source" shall mean any source, other than point sources, which discharges pollutants into air, land or water. The source of a chemical or biological constituent in water that cannot be associated with a well-defined point of discharge or the origin of the discharge is diffuse.
- U. "Non-point Source Run-off" shall mean the runoff of sediment and other undesirable materials along with storm water from diffuse sources.
- V. "Notice of Non-Compliance" shall mean the written notice given to a person by the Authority pursuant to Title 19 Chapter 56, Section 1561 and these rules and regulations stating that the person has failed to comply on a specified occasion with a cited requirement.
- W. "Pass Through" shall mean a discharge of pollutants through an Authority sewage treatment facility into waters of the Virgin Islands in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is the cause of a violation of any federal or local law or of any permit issued to the Authority, including an increase in the magnitude or duration of a violation.
- X. "Permit" shall mean any license, permit, certificate, registration, charter, authority, approval, or other form of permission required by law or by rule, regulation, or Order of the Authority.
- Y. "Person" shall mean any agency, state, public or private corporation or authority, individual, trust, firm, joint stock company, partnership, association, or other entity, or any group thereof, any officer, employee, or agent of such person, and any group of persons.
- Z. "Pollutant" shall mean any element, constituent, or property or wastewater, or of agricultural, industrial, manufacturing, or commercial process waste, or leachate, or any other substance which causes the alteration of the chemical, physical, biological, or radiological integrity of water through its introduction therein.
- AA. "Pollution" shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of any land, waters of the air of the Virgin Islands; or, such contamination, or other alteration of the physical, chemical or biological properties of any such land, air or waters, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, toxic, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, recreational or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

- BB. "Pretreatment" shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing the Pollutant into a Sewage System. This shall include reduction or alteration by physical, chemical or biological processes, process changes, or other means, except as prohibited by 40 CFR Part 403.
- CC. "Requirement" shall mean any rule, regulation, order or Permit issued or adopted by the Authority, or any law or regulation which the Authority has the authority or responsibility to enforce.
- DD. "Routine Maintenance" shall mean the operational maintenance of a lateral sewer, including, but not limited to, the cleaning or rodding to clear grease or other internal objects or substances that have been discharged or allowed to accumulate in the lateral sewer that may interfere with the operation of the lateral sewer.
- EE. "Septage Discharge Permit" shall mean the permit required or issued by the Authority for discharge of septage by commercial septage haulers.
- FF. "Sewage" shall mean the spent water of a community, which may be a combination of liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and/or storm water that may be present.
- GG. "Sewer" shall mean a pipe or conduit that carries wastewater.
- HH. "Sewage System" shall mean any device, equipment or works used in the transportation, pumping, storage, treatment, recycling, and reclamation of wastewater and industrial wastes.
- II. "Sludge" shall mean the solid, semi-solid, and liquid residue removed from water, sanitary sewage, wastewater, or industrial wastes by a treatment process.
- JJ. "Territorial Pollutant Discharge Elimination System" or "TPDES" shall mean the territorial system of water pollution control established by 12 V.I.C., Chapter 7.
- KK. "Treatment System or Pretreatment System" shall mean any and all devices, equipment, or works used in the pumping, storing, treating, recycling, and reclaiming of sewage and/or industrial waste.
- LL. "Upset" shall mean an exceptional incident in which there is unintentional and temporary non-compliance with the discharge standards, or any permit thereunder, due to factors beyond the reasonable control of the person responsible for the discharge. An upset does not include non-compliance to the extent caused by operational error, an improperly designed treatment facility, an inadequate treatment facility, lack of preventive maintenance, or careless or improper operation.
- MM. "User" shall apply to users of the publicly owned treatment works (POTW) and plants of the Authority whereby the meaning is appropriate to individuals, business entities, or governmental agencies, federal or territorial.
- NN. "Violation" shall mean any act or failure to act or omission which constitutes or results in one or more of the following:

- a. Engaging in any business or other activity without a currently valid permit whenever engaging in such business or activity requires such a permit.
- b. Engaging in any activity prohibited by, or not in compliance with, any requirement, or
- c. Not doing fully or not doing in timely fashion, anything required by any requirement.

OO. "Wastewater" shall mean sewage and the constituents of sewage, including septage, landfill leachate, waters from construction site dewatering, and industrial waste.

29 VIRR § 496c1. 3: GENERAL OBJECTIVES

The objectives of these rules and regulations are:

- (a) To ensure the proper collection, treatment and discharge of wastewater in an environmentally sound manner;
- (b) To prevent the introduction of pollutants into the Authority's facilities and plants that would interfere with its operations, and to provide penalties therefor;
- (c) To ensure that every person directly or indirectly discharging wastewater to the Authority's sewage system shall provide the pretreatment necessary to ensure that the wastewater complies with 496c2.2 and all applicable federal regulations. All pretreatment equipment shall at such person's expense be properly installed, maintained, and operated;
- (d) To ensure that any person operating a facility that is a significant industrial user as defined in 40 CFR 403.3, shall comply with the applicable requirements of 40 CFR Part 403, including the reporting requirements of 40 CFR 403.12 and any national categorical pretreatment standard applicable to the facility.
- (e) To prevent the inadequate treatment of pollutants in the Authority's facilities and plants so as to avoid pass through into receiving waters, or otherwise be incompatible with the Authority's treatment works;
- (f) To protect the Authority's personnel and the general public who may be affected by wastewater and sludge in the course of their employment;
- (g) To promote reuse and recycling of industrial wastewater and bio-solids;
- (h) To provide for fees for the fair, reasonable and equitable distribution of the cost of operation, maintenance, and improvement of the wastewater facilities and plants;
- (i) To enable the Authority to comply with its Territorial Pollutant Discharge Elimination System (TPDES) permit conditions, bio-solids use and disposal requirements, and any other Federal or Territorial laws to which the Authority is subject;
- (j) To provide a septage waste hauler's permit for the disposal of septage waste into the Authority's designated disposal facility;
- (k) To provide rules and regulations for the permitting process related to the pre-treatment program for disposal of waste into the sewer collection system.

- (l) To provide rules for the proper design, construction, installation, modification and repair of on-site domestic septic tanks and packaged treatment plants; and,
- (m) To provide rules and regulations for the permitting process for the safe construction and installation of pit privies, surface privies or water carriage sewer systems, as permitted by the Department of Planning and Natural Resources and other permitting standards.

These rules and regulations shall authorize the issuance of wastewater discharge permits; permission to construct and maintain domestic on-site septic tanks; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures and penalties for non-compliance; require user reporting; provide for the setting and collection of fees, in conjunction with the Virgin Islands Public Services Commission and the Virgin Islands Department of Planning and Natural Resources, where appropriate, and for the equitable distribution of costs resulting from the Authority's activities set forth herein.

CHAPTER 2: INDUSTRIAL/COMMERCIAL/ GOVERNMENT SEWER USER

29 VIRR § 496c2.1: Prohibited Discharges

(a) General Prohibitions: No commercial, industrial, or governmental user shall introduce or cause to be introduced into the Authority's sewage system any pollutant or wastewater which causes pass through interference. These general prohibitions apply to all users of the sewage system whether or not they are subject to categorical pretreatment standards pursuant to federal law or any other federal or territorial pretreatment standards or requirements.

(b) Specific Prohibitions: No user shall introduce or cause to be introduced into publicly owned treatment works or wastewater treatment plants the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard, including, but not limited to, waste streams with a closed-cup flash point of less than 140° F (60° C) or such other flash point as may be designated by the Authority using the test methods specified in the United States Code of Federal Regulations;
- (2) Wastewater having a pH factor above or below the required TPDES permit limit of the receiving treatment plant.
- (3) Solid or viscous substances such as ash cinders, sand, mud, straw, metal, glass, rags, feathers, tar, plastic, wood, underground garbage, paunch manure, hair and fleshing, entrails, paper products, slops, or bulk solids in amounts which will cause obstruction of the flow resulting in interference with the publicly owned treatment works or wastewater treatment plants;
- (4) Pollutants, including oxygen-demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other

pollutants will cause interference with the publicly owned treatment works or wastewater treatment plants;

(5) Wastewater having a temperature which will inhibit biological activity in the treatment plants resulting in interference with the treatment process, but in no case wastewater which causes the temperature at introduction into the treatment plant to exceed operating temperature limits set forth in the plant's operating permits;

(6) Petroleum oil, non-biodegradable cooking oil, or products of mineral oil origin that will cause pass through interference;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes that may cause worker health and safety problems;

(8) Trucked or hauled pollutants, except at discharge points designated by the Authority in accordance with these rules and regulations;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Authority's TPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable Territorial and Federal regulations;

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water, unless specifically authorized by the Authority;

(13) Sludge, screenings or other residues from the pretreatment of industrial waste;

(14) Medical wastes including body fluid, except as specifically authorized by the Authority in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail TPDES toxicity test requirements;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming or phosphorus concentrations;

(17) Fats, oils, or greases of animal or vegetable origin whether emulsified or not, or containing substances which may solidify or become viscous at any relevant temperature;

(18) Antifreeze or discharges of glycols;

- (19) Toxic materials including but not limited to: Herbicides, Fungicides, and Pesticides;
- (20) Hazardous waste; and,
- (21) Benzene, Toluene, Ethylbenzene, and/or Xylene (BTEX).

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that may result in discharge into the Authority's sewage system, wastewater treatment plants, or public or private lands, waterways or body of water of the Virgin Islands.

29 VIRR § 496c2.2: National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, and any amendments thereto are incorporated herein by reference:

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Authority may impose equivalent concentrations or mass limits in accordance with 40 CFR 403.6(c).
- (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Authority shall impose an alternate limit using the combined waste stream formula set forth in 40 CFR 403.6(e).
- (c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions set forth in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the United States Environmental Protection Agency (EPA) in developing the categorical pretreatment standard.
- (d) A user may obtain a net adjustment to a categorical standard in accordance with 40 CFR 403.15.

29 VIRR § 496c2.3: Territorial Pollutant Standards

- (a) No person shall discharge into the Authority's sewage system, wastewater containing metals, solids or dissolved metals, or substances in amounts greater than the Authority has designated pursuant to federal standards or these rules and regulations, operating permit, and treatment process limitation to meet compliance.
- (b) The limits apply at the point where the wastewater is discharged to the Authority's sewage system or wastewater treatment plants. All concentrations for metallic substances are for "total" metals unless indicated otherwise. The Director may impose mass limitation in addition to or in place of the concentration-based limitations.

29 VIRR § 496c2.4: Right of Revision

The Authority reserves the right to establish by rules and regulations or in wastewater discharge permits, more stringent standards or requirements on discharges to the Authority's sewage

system or wastewater treatment plants.

29 VIRR § 496c2.5: Dilution Prohibition

(a) No Person shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

(b) The Authority may impose mass limitations on persons who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations are appropriate.

29 VIRR § 496c2.6: Waste Disposal

It shall be a prohibited act for any person to place, deposit, or permit to be deposited, in any condition that may be considered as an unsanitary or unhygienic state, on public or private property or within any container in a public or private sewer within the Territory or in any area under the jurisdiction of the Authority, any human or animal excrement, garbage, or other prohibited waste.

29 VIRR § 496c2.7: Wastewater Disposal

Except as provided in these rules and regulations, it shall be a prohibited activity to construct on or within any container on public or private property any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater, or to intentionally construct any bypass for waste streams from user's permitted pathway at its plant facility without first notifying the Authority and receiving its permission to construct and operate such a facility.

SEWERS AND CONNECTIONS

29 VIRR § 496c2.8: Connection Permit; Insurance; Restoration to Pre-existing Conditions

(a) No person or any commercial or industrial enterprise shall uncover, make any connections to, with, use, alter, or disturb any wastewater sewer without first obtaining a written permit from the Authority to do so.

(b) The Authority shall create different classes of permits for connections to its treatment works and treatment plants and facilities as they relate to residential, commercial, industrial, or governmental buildings. In every case the owner shall make application for a permit to connect to the Authority's collection system on a form furnished by the Authority. The permit application shall be supplemented by wastewater information required to administer the Authority's role as set forth herein.

(c) In every instance where application is made for sewer building permits, the applicant shall assure the Authority that excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazards.

(d) The applicant shall ensure and the Authority must be assured that adequate public liability insurance is in place before excavation commences. For the purposes herein, adequate public liability insurance shall mean proof of comprehensive general and contractual liability insurance, vehicular liability insurance and workers compensation insurance, if deemed necessary by the Authority.

(e) The applicant shall restore, streets, sidewalks, parkways, and other public and/or private property disturbed in the course of the work in a manner satisfactory to the Authority and, when appropriate, other interested public and/or private entities.

(f) The routine maintenance and repair of the lateral sewer from the owner's structure or building to the public street shall be the sole responsibility of the property owner.

29 VIRR § 496c2.9: Connection Costs; Indemnity

(a) The costs and expenses incidental to the sewer installation and connection to the Authority's collection system shall be borne by the owner/builder. Such connections shall be done by and under the supervision of a licensed plumber and in accordance with the Uniform Plumbing Code, the Virgin Islands Plumbing Code, or such code or regulation as is most stringent. The owner/builder shall indemnify the Authority from any loss, damage or costs that may directly or indirectly be occasioned by the installation of the sewer connection.

(b) A separate and independent sewer connection shall be provided for every building except as authorized by the Authority. The Authority assumes no obligation or responsibility for damage caused by or resulting from any single building sewer which serves two or more buildings.

(c) Existing building sewers may be used for connection of new buildings only when they are found to meet the requirements of these rules and regulations. In any instance, all sewer connections shall be made gas or water tight as verified by appropriate testing, and shall otherwise conform to all applicable building and plumbing codes of the Territory.

(d) The size, slope, alignment, elevation for appropriate gravity flow, pumps in aid of gravity flow, construction materials, trench excavation and backfill methods, pipe placement, jointing and testing methods used in the construction and installation of a new building sewer shall conform to the Territory's building and plumbing code or other applicable requirements of the Authority. Any wastewater pump system required to address gravity flow shall be privately owned and maintained. The Authority assumes no obligation or responsibility for failure of the pump system. The owner/builder shall indemnify the Authority from any loss, damage or costs that may directly or indirectly be occasioned by the installation of the pump system.

(e) The Authority shall impose connection permit fees. A schedule of fees which may be amended from time-to-time shall be established by the Authority.

(f) The Authority shall impose environmental impact fees. A schedule of such fees which may be amended from time-to-time is set forth under separate cover.

29 VIRR § 496c2.10: Surface Runoff and Groundwater Drains

No person shall connect roof, foundation, airway, parking lot, roadway, or other surface runoff

or groundwater drains to any sewer which is connected to the Authority's collection system unless such connection has first been applied for and is authorized in writing by the Authority. Unless otherwise permitted, every roof, foundation, airway, parking lot, roadway, or other surface runoff or groundwater drains shall discharge to natural outlets or storm drain systems.

29 VIRR § 496c2.11: Connection Inspections

The applicant for a building sewer or other drainage connection permit shall notify the Authority when such sewer or drainage connection is ready for inspection prior to its connection to the Authority's sanitary sewer system. Such connection inspections shall be made by the Authority, and a fee therefor shall be imposed by the Authority. Any testing deemed necessary by the Authority shall be provided by the applicant.

29 VIRR § 496c2.12: Pretreatment Plants; Installation of Interceptors for Businesses

(a) Plans for the operation of any pretreatment wastewater plant and its operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before such plant is constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such plant if at a later time it becomes necessary in order to produce a discharge acceptable to the Authority under the provisions of these rules and regulations. A fee for such review shall be imposed by the Authority.

(b) Fats, oils and grease ("FOGs") and sand drains, traps or interceptors shall be provided if, in the opinion of the Authority, they are necessary for the proper handling of wastewater containing or potentially containing excessive amounts of FOG or sand; except that such drains, traps, or interceptors shall not be required for residential users except as noted below. All drains, traps or interceptor units shall be of a type and capacity approved by the Authority and shall be located in a manner as to be easily accessible for cleaning, and inspection by the Authority. Such drains, traps or interceptors shall be inspected, cleaned, and repaired regularly, as needed by the user at the user's expense.

(c) FOGs introduced into the Authority's publicly owned treatment works can have a detrimental and negative impact on the public and the facility. Restaurants, residences with food preparation licenses, or establishments which prepare food and make use of, and/or collect, petroleum based oil, grease, animal and vegetable based oil, separately or collectively in each such establishment, during food preparation shall install on-site pre-treatment traps, interceptors, or other proper devices for the separation and collection of FOGS. Such on-site devices are subject to inspection by the Authority.

(d) The drains, traps, interceptors, or other on-site devices required shall be installed, maintained and have the capacity and rate of flow approved by the Uniform Plumbing Code and regulations adopted by the Authority, whichever is more stringent, and shall apply whether the establishment is connected to the publicly owned treatment works or not.

(e) Where installed, drains, traps, interceptors, or other on-site devices shall be maintained by the owner in continuously efficient operation at all times, at the owner's sole expense.

(f) The management of restaurants, residences and establishments referred to in this Section and described above, shall use a dishwashing system of at least three sinks for washing, rinsing and sanitizing. No dishwater is to be discharged into the grease traps.

- (1) Management of each establishment is required to place instructional waste disposal signs at sinks, dishwashers and other waste disposal sites and to “dry wipe” pots and pans prior to washing so that the waste can be placed in garbage receptacles and removed by solid waste collectors or by recycling.
- (2) Under sink grease traps shall be cleaned weekly or more often if required. Grease interceptors shall also be cleaned routinely as needed. Management must keep a bound and numbered maintenance log at its premises to record the frequency and volume of interceptor cleaning. The maintenance log shall be accessible to the Authority for inspection and enforcement.
- (3) Maintenance of interceptors shall be done by licensed transporters of wastewater or recyclers. However, only licensed transporters of wastewater or a licensed recycler is authorized to collect, haul and dispose of FOGs.

(g) All containers for the disposal of FOGs shall remain covered and located in such a manner as to be away from sewers and storm drains. Absorbent pads or other similar material must be kept on premises so as to clean up any spilled FOGs around the outdoor equipment, containers, or dumpsters. Free flowing absorbents may only be used for minor spot spills.

(h) No caustics, acids, solvents, or other emulsifying agents shall be discharged into the Authority’s wastewater collection system for the purpose of dissolving FOGs unless specifically authorized by the Authority.

(i) The management of all food preparation establishments as described in this Section shall routinely clean the kitchen exhaust system so as to prevent grease and oil escape through the exhaust and subsequent entry into the sewer or storm drain system. Management of the establishment shall maintain a log which notes the dates of cleaning.

(j) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter on the affected premises.

29 VIRR § 496c2.13: Accidental Discharge Plans; fines

(a) At such frequency as the Authority shall deem appropriate, it may determine whether any significant commercial or industrial user of the Authority’s sewage system has in place an accidental discharge control plan. The Authority may require any commercial or industrial user to develop, submit for approval, and implement such a plan. A fee for such review and approval shall be imposed by the Authority. An accidental discharge control plan shall address, at a minimum, the following:

- (1). Description of routine and non-routine discharge practices;
- (2). Description of stored chemicals and combustible substances;

- (3). Procedures for immediately notifying the Authority of any accidental discharge; and
- (4). Procedures to prevent adverse impacts from any accidental discharge.

Such procedures must include, but shall not be limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building or containment structures or equipment, measures for containing toxic organic pollutants including solvents and/or measures and equipment for emergency response.

(b) The Authority shall impose a fine on any person or commercial, industrial or other business entity for any accidental or deliberate discharge. The fines shall be based on a "Gravity-based" determination as set forth in Appendix A, attached hereto, incorporated herein by reference, and which may be amended from time-to-time:

- (1) The penalty shall range between the sum of \$500.00 and \$2,000 for a minor discharge.
- (2) The penalty shall range between the sum of \$2,500.00 to \$4,500.00 for a moderate discharge;
- (3) The penalty shall range between the sum of \$5,000.00 to \$10,000.00 for a severe discharge.

The fines set forth in this Section shall not preclude the Authority from taking other legal action as the law may provide, including referral to the appropriate authority for civil or criminal proceedings.

(c) The Fines provided above shall increase incrementally with repeated discharges.

29 VIRR § 496c2.14: Wastewater Haulers; Samples; Disposal; Waste Manifest

(a) Septic tank waste may be introduced into the Authority's Sewage System only at sites designated by the Authority. The Authority shall require septic tank waste haulers and haulers of commercial and industrial wastewater to obtain wastewater discharge permits for such reasonable fees as the Authority may require. Businesses that generate commercial and industrial waste shall be required to obtain wastewater discharge permits. The Authority, as set forth in 496c2.2 may prohibit the disposal of hauled commercial, industrial, or private waste in the Territory.

(b). The Authority may collect samples of each hauled load to ensure compliance with applicable standards and may require the commercial or industrial waste hauler to provide a waste analysis of any load prior to discharge into the Authority's sewer system or treatment works.

(c) Commercial and industrial waste haulers shall present a waste manifest for each load. The manifest form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck driver and truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are Resource Conservation and Recovery Act (RCRA) type hazardous wastes. Falsification of information on the required manifest is subject to penalties of not less than \$500.00 as set forth in §496c2.13 above for each incident and shall include suspension or revocation of the hauler's Septage Disposal Permit.

(d) Each wastewater hauler described herein shall possess a valid Virgin Islands vehicle operators' license and insurance, workmen compensation and public liability insurance in limits of \$50,000 per person and \$100,000 per incident for personal injury and \$100,000.00 for property damage.

29 VIRR § 496c2.15 Wastewater Discharge Permit Applications -General

(a) No industrial user shall discharge wastewater into the Authority's sewage system without first obtaining a wastewater discharge permit from the Authority.

(b) When requested by the Authority, a user of the publicly owned wastewater treatment works must submit information on the nature and characteristics of its wastewater within seven (7) business days of the request. The Authority shall provide a form for this purpose and may periodically require users to update the information provided.

(c) Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of these rules and regulations and shall subject the wastewater discharge permittee to the sanctions set out in these rules and regulations and/or the laws of the Territory.

29 VIRR § 496c2.16: Wastewater Discharge Permitting: Existing Connections

Any user who is required, pursuant to these rules and regulations, to obtain a Wastewater Discharge Permit and who was discharging wastewater prior to the effective date of these rules and regulations and who wishes to continue such discharges in the future, shall, within thirty (30) days after the effective date hereof, apply to the Authority for a Wastewater Discharge Permit, and shall not cause or allow discharges to continue after ninety (90) days of the effective date of these rules and regulations except in accordance with a wastewater discharge permit issued by the Authority.

29 VIRR § 496c2.17: Wastewater Discharge Permitting: New and Recommended

(a) Any user required to obtain a Wastewater Discharge Permit who proposes to begin or recommence discharging into the publicly owned treatment works must obtain such a permit from the Authority prior to beginning or recommencing such discharge. An application for this Wastewater Discharge Permit must be filed at least ninety (90) days prior to the date upon which any discharge may begin or recommence.

(b) All permits except a Direct Connection Permit shall contain an expiration date. A permittee shall file a complete and accurate permit application as outlined in Subsection (a) before the expiration date of the permit. The permit shall not expire until a new permit is issued or the application or notice is denied, whichever occurs first.

- (1) Any person wishing to make a direct connection to an Authority sewer or to modify or reconnect an existing direct connection to an Authority sewer must have a Direct Connection Permit issued by the Authority for such connection, modification, or reconnection.
- (2) No person, without authorization from the Authority, may uncover, make any connection with or opening into, modify, or disturb in any way an Authority sewer, including a sewer manhole.

29 VIRR § 496c2.18: Wastewater Discharge Permit Application Information

- (a) All users required to obtain a Wastewater Discharge Permit must submit a permit application. At a minimum the prospective user shall provide the following:
- (1) The user's legal name, local business address, tax identification number, and whether user is in good standing relating to licensure in the Territory;
 - (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be discharged into the publicly owned treatment works;
 - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (4) Each product produced by type, amount, process or processes, and rate of production;
 - (5) Type and amount of raw materials processed (average and maximum per day);
 - (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - (7) Time and duration of discharges;
 - (8) Any other information as may be deemed necessary by the Authority to evaluate the wastewater discharge permit application; and
 - (9) A certification by the user or its representative as to the truthfulness of the information contained in the application and recognition that there are penalties, civil, administrative, and/or criminal for submitting false information.
- (a) Every applicant and permittee shall file a disclosure statement with the Authority, a copy of which may be forwarded to the Virgin Islands Police Department, the Virgin Islands Department of Justice, and/or such other territorial or federal agency as deemed appropriate.
- (b) Disclosure statements shall be filed by submitting an original and one conformed copy of all papers, including personal history disclosure forms to the Authority at the address given to the applicant. Within 30 days of receipt of a disclosure statement from an applicant, the Authority shall advise the applicant if the disclosure statement is incomplete on its face, and shall specify what additional information is required.
- (c) The following persons are exempt from the requirement to submit a disclosure statement:
1. An employee of any department, division, agency, commission or authority of the Federal government, Territorial or agency thereof;

2. Any person whose application, permit, or license is solely for the collection, transportation, treatment, storage or disposal of wastewater generated by that person. This exemption shall not apply where the waste generated is from a facility requiring a license and not itself exempt under this subsection. Some examples of non-exempt applicants are set forth immediately below. These examples are not meant to be all inclusive of non-exempt applicants:

A. A company or entity that operates a hazardous waste treatment facility and organizes a hauling subsidiary to transport its "own" waste from the facility. If the facility must file a disclosure statement, the hauling subsidiary must do so as well;

B. Any company or entity whose application, permit or license is solely for the transportation of hazardous wastes;

C. Any company or entity whose application, permit or license is solely for the collection, transportation, treatment, storage or disposal of granular activated carbon used in the adsorption of hazardous waste; and

D. Any regulated medical waste generator for the treatment or disposal of regulated medical waste at any noncommercial incinerator or noncommercial facility in the Territory that accepts regulated medical waste for disposal.

(d) Where an applicant, permittee or licensee owns or operates more than one facility or operation requiring a license, or is one of two or more business concerns requiring licenses which are under common ownership or management, the business concerns may file disclosure statements concurrently as a group. In the case of such a group filing:

1. Disclosure statements covering all members of the group must be filed in a single submission;

2. A cover letter must be supplied indicating the intent to file disclosure statements as a group and identifying the members of the group and their relationships;

3. A single set of Personal History Disclosure Forms for any individual identified in any of the group's disclosure statements will be accepted, even though the name appears on more than one statement;

4. The Authority in its discretion may authorize departures from the disclosure statement forms so as to minimize duplicate reporting of information;

5. For the purposes of fee calculation the group may be treated as a single applicant, permittee or licensee; and

6. A group filing may be made even if one or more members of the group have previously filed disclosure statements separately. However, while those members will be regarded as part of the group filing, no refund of fees or credit for fees paid shall be allowed on account of the earlier separate filings.

29 VIRR § 496c2.19: Content of Disclosure Statement

(a) The disclosure statement shall be filed on forms supplied by the Authority and shall include the following information:

1. The full name, business address, home address, date of birth, social security number and/or Federal Employer Identification Number of the applicant, permittee or licensee, of any officers, directors, partners, or key employees thereof and all of the persons holding any equity in or debt liability of that business concern, or, if the business concern is a publicly traded corporation, all persons holding more than five percent (5%) of the equity in or debt liability of that business concern, except that where the debt liability is held by a chartered lending institution, the applicant, permittee or licensee need only supply the name and business address of the lending institution;
2. The full name and business address of any company which collects, transports, treats, stores, transfers or disposes of wastewater, or hazardous waste in which the applicant, permittee or licensee holds an equity interest;
3. A description of the experience and credentials in, including any past or present licenses for the collection, transportation, treatment, storage, transfer or disposal of wastewater or hazardous waste possessed by the applicant, permittee or licensee or by the key employees, officers, directors, or partners thereof;
4. A listing and explanation of any notices of violation or prosecution, administrative orders or license revocations issued by any Territory, State or Federal authority in the ten (10) years immediately preceding the filing of the application which are pending or have resulted in a finding or a settlement of a violation of any law or regulation relating to the collection, transportation, treatment, storage, transfer or disposal of wastewater or hazardous waste by the applicant, permittee or licensee, or by any key employee, officer, director or partner thereof;
5. A listing and explanation of any judgment of liability or conviction which was rendered pursuant to any Territory, State or Federal statute or local ordinance against the applicant, permittee or licensee or against any key employee, officer, director or partner thereof, or for motor vehicle offenses in jurisdictions other than the Virgin Islands;
6. A listing of all labor unions and trade and business associations in which the applicant, permittee or licensee was a member or with which the applicant, permittee or licensee had a collective bargaining agreement during the ten (10) years preceding the date of filing of the disclosure statement;
7. A listing of any agencies outside of the Virgin Islands which in the past ten (10) years, had regulatory responsibility over the applicant, permittee or licensee in connection with its collection, transportation, treatment, storage, transfer or disposal of wastewater or hazardous waste;
8. A listing of all persons employed by the applicant, permittee or licensee in its wastewater or hazardous waste operations in the Virgin Islands and not otherwise required to be listed, and as to each, the full name, home address, date of birth and social security number; and,

9. Any other information the Authority or other governmental entity may require that relates to the competency, reliability, honesty, integrity or good character of the applicant, permittee or licensee.

(b) The disclosure statement shall be sworn to or affirmed and subscribed and dated by the applicant, permittee, licensee or the author before a person legally competent to take an oath or affirmation, who shall himself subscribe and date the signature of the affiant and indicate the basis of his authority to take oaths and affirmations. Personal History Disclosure Forms shall be sworn to or affirmed and subscribed in the same manner by the individual and the oath-taker. The following statement shall immediately precede the signature of the affiant: "I swear (or affirm) that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to such punishment as the law may provide."

(c) Disclosure statements shall be signed by each of the following:

1. If of a corporation, by its president or its chairman of the board or any other chief executive officer thereof;
2. If of a partnership, by each of its partners; if of a limited partnership, by each of its general partners;
3. If of any other business concern, by its manager or chief executive officer or its secretary and treasurer; and;
4. If of a natural person, by the person himself or herself.

(d) Personal History Disclosure Forms shall be signed by the individual described thereon.

(e) All signatures shall be signed in ink and dated on original papers, but may be photocopied, typed, stamped or printed on copies. The name and address of the signatory shall be typed, stamped or printed beneath each signature.

29 VIRR § 496c2.20: Application Review and Approval

(a) The Authority shall not issue any license to an applicant, permittee or licensee until it has received, reviewed and approved the wastewater disposal/septage disposal application.

(b) In conducting a review of the application, the Authority shall include a review of the disclosure statement.

(c) In its discretion, the Authority may issue a temporary license for not more than six (6) months at a time to an applicant or permittee if such issuance is necessary to prevent or ameliorate a hazard to the public health, safety or the environment; to prevent economic hardship to a public body or the issuance of a temporary license otherwise serves some interest of the general public.

(d) The issuance of a temporary license in all cases is conditional upon the applicant or permittee signing an agreement that it will cease its wastewater operations upon the expiration date of the